

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 81190

Full House Saloon
Richard J. Staszak
Catherine Staszak
2644 Masseth Avenue
Baltimore MD 21219

2311 Sparrows Point Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 25, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, Zoning Commissioner's Policy Manual (ZCPM), operating a business in residential zone; section 101, 102.1, 1B01; Baltimore County Code (BCC) section 21-12-101, 104, operating a race track too close to occupied properties; (BCZR) section 450, 450.4, display of temporary signs/banner without obtaining proper permits; section 409.8, parking lot does not have dustless/durable surface on property known as 2311 Sparrows Point Road, 21219.

On August 3, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$800.00 (eight hundred dollars).

The following persons appeared for the Hearing and testified: Catherine Staszak, the owner of 2311 Sparrows Point Road and Respondent; Samuel and Sandra Lee, daughter and son-in-law of Respondent, who reside on the second floor of the building on the property above the first floor which is used as a bar known as the "Full House Saloon" and manage the bar, below; Bruce Null, owner and

resident of adjacent property at 2600 Masseth Avenue; Louis Stempor, owner and resident of 2602 Maseeth Avenue; and Robert Moorefield, Baltimore County Code Enforcement Officer.

Mr. Moorefield testified that he became aware that lawnmower races were to be held at the subject location on August 14, 2010; that he attended the event; that he observed the following activities at the subject property on that date: salon parking lot roped off; security persons giving out identification bracelets; a grandstand, a pit beef stand and three (3) lawn mowers racing in an grassy area behind the saloon enclosed by snow fencing. He also testified that 98 Rock, a local radio station was broadcasting music at the subject property and that the noise was loud and that chances were being sold for a drawing on a lawn mower. He further testified that all of these activities took place on that portion of the subject property zoned DR 5.5 and that the Baltimore County Zoning Regulations preclude such activities in that zone.

The testimony of the two neighbors, Bruce Null and Louis Stempor, substantiated the illegal use of the property both on August 14, 2010 and on a number of previous occasions.

The owner, Catherine Staszak and her daughter and son-in-law, Sandra and Samuel Lee also substantiated the illegal use on August 14, 2010 as described by Mr. Moorefield and Mr. Lee presented a schedule of the following events which took place on the property over the last three years: Toilet bowl on April 18, 2008; lawnmowers races on September 20, 2008; toilet bowl on April 18, 2009; lawnmower races on September 6, 2009; toilet bowl on April 17, 2010; car show on August 1, 2010 and lawnmowers races on August 14, 2010.

Section 102.1 of the Baltimore County Zoning Regulations is titled "Conformity with regulations" and states "No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use."

Section 1B01.1 of the Baltimore County Zoning Regulations sets forth what uses are allowed in a residential zone. The uses described above and which clearly took place on August 14, 2010 are not included in this section and are therefore not allowed.

Further, I find that a lawnmower is a minibike as defined in Section 211-12-101 of the Baltimore County Code and that as such three mini-bikes raced on a race track within 300 feet of a dwelling on August 14, 2010 in violation of Section 21-12-104 of the Baltimore County Code.

THEREFORE, IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$800.00.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

ORDERED this 27th day of August 2010

Signed: ORIGINAL SIGNED
Donald E. Brand
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

DEB/jaf